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| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
|--|-------------|----------------------|---------------------|------------------|
| 10/604,300 | 07/09/2003 | Bruce H. Hauser | P00526-US2 | 1299 |
| 3017 | 7590 | 06/03/2004 | EXAMINER | |
| BARLOW, JOSEPHS & HOLMES, LTD. 101 DYER STREET 5TH FLOOR PROVIDENCE, RI 02903 | | | YAO, SAMCHUAN CUA | |
| | | | ART UNIT | PAPER NUMBER |
| | | | 1733 | |

DATE MAILED: 06/03/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/604,300

Applicant(s)

HAUSER, BRUCE H.

Examiner

Sam Chuan C. Yao

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 09 July 2003.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-20 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-20 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____.

DETAILED ACTION

Drawings

1. The drawing illustrated in figure 2 is objected to under 37 CFR 1.83(a) because it fails to show view line 7-7 as described in the specification (see discussion on a brief description of figures 7A-7C). Any structural detail that is essential for a proper understanding of the disclosed invention should be shown in the drawing. MPEP § 608.02(d). A proposed drawing correction or corrected drawings are required in reply to the Office action to avoid abandonment of the application.

Claim Objections

2. Claim 8 is objected to because of the following informalities: "*lamineand*" should be rewritten as - laminate and-. Appropriate correction is required.

Claim Rejections - 35 USC § 112

3. The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

4. Claims 1-20 are rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the written description requirement. The claim(s) contains subject matter which was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventor(s), at the time the application was filed, had possession of the claimed invention.

As far as the Examiner can tell, no express support can be found for the newly added limitation "*at least one visible portion ... wire passes*" per claim 1, without

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any guidelines/guidance from Counsel/Applicant as to where support might be found, this engenders a New Matter situation.

5. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

6. Claims 1-20 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claim 1 is indefinite, because it is unclear whether a reinforced flexible laminate strip is positively required in this claim (note: the recited preamble) or merely requires a reinforcing serpentine wire with a carrier member attached to the wire. If this claim intended to require forming a reinforced flexible laminate strip, it would appear that, this claim is missing a critical step of at least providing a covering layer to the serpentine wire/carrier member. If not, then it is suggested to amend the preamble of claim 1. Equally important, the limitation "*at least region of the flexible laminate strip defining ...*" is confusing, because the body of the claim as presently recited only requires a reinforcing serpentine wire with a carrier member attached to it. In other words, a flexible laminate strip is not formed yet.

Claim 14 is indefinite, because the phrase "*the filler material*" does not have a positive antecedent basis.

Claim Rejections - 35 USC § 102

7. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

8. Claims 1, 4, 6-7, 9 and 20 are rejected under 35 U.S.C. 102(b) as being clearly anticipated by Matsumiya (US 5,204,157). See column 2, lines 41-43, column 3, lines 24-38, column 5, lines 55-66 and column 8, lines 17-23; figures 3-4.

Claim Rejections - 35 USC § 103

9. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

10. Claims 2 and 14-17 are rejected under 35 U.S.C. 103(a) as being unpatentable over Matsumiya (US 5,204,157) as applied to claim 1 above, and further in view of Key (US 5,204,157).

Matsumiya does not teach appear to teach providing a filler material to voids in a serpentine-configured wire strip. However, since Key discloses the use of a filler material to prevent "hungry horse" appearance (col. 1 line 52 to col. 2 line 7), it would have been obvious to one of ordinary skill in the art to use a filler in the strip of the primary reference in view of the teachings of Keys to provide a

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smooth outer surface to a resultant laminated strip. Note: the recited mask layer in claims 15-17 is taken to read on an extruded filler sheet (24) taught Key.

11. Claims 3, 5 are rejected under 35 U.S.C. 103(a) as being unpatentable over Matsumiya (US 5,204,157) as applied to claim 1 or 2 above, and further in view of either Burden et al (US 4,343,845) or FR 2,524,406.

In view that the limitations in claims 3 or 5 are conventional and well known in the art as exemplified in the teachings of either Burden (figures 1-2) or FR (figures 1-2), these claims would have been obvious in the art making a reinforced flexible laminate taught by Matsumiya.

12. Claim 10 is rejected under 35 U.S.C. 103(a) as being unpatentable over Matsumiya (US 5,204,157) as applied to claim 1 above, and further in view of Schlegel (US 2,070,624) or GB 1,478,963).

In view that, Schlegel teaches the desirability of forming a reinforcing serpentine strand having a pair of legs which are formed of *"a V-shaped junction at the bend"* (figures 1 and 3-4), this claim would have been obvious in the art. GB '963 is further cited as a further evidence that it is known in the art to form a reinforcing serpentine strand having a pair of legs which are formed of *"a V-shaped junction at the bend"*.

13. Claims 11-13 are rejected under 35 U.S.C. 103(a) as being unpatentable over Matsumiya (US 5,204,157) as applied to claim 1 above, and further in view of Cook et al (US 5,072,567).

Matsumiya does not teach the various cross-sections of a continuous strand wire recited in these claims. However, it would have been obvious in the art to use the various cross-sections of a continuous strand wire recited in these claims, because it is old in the art to use a continuous strand having various cross-sectional configurations as exemplified in the teachings of Cook et al (col. 5 lines 36-43).

14. Claims 8 and 15-19 are rejected under 35 U.S.C. 103(a) as being unpatentable over Matsumiya (US 5,204,157) as applied to claim 1 above.

With respect to claim 8, since the recited materials for a carrier member is conventional in the art, this claim would have been obvious in the art.

With respect to claim 15-19, Matsumiya does not teach incorporating tape layer (25; taken to be a masking layer) illustrated in figure 3 with strand (9 and 13) layer illustrated in figures 1-3. However, it is now well settled "It is prima facie obvious to combine two compositions each of which is taught by the prior art to be useful for the same purpose, in order to form a third composition to be used for the very same purpose ... [T]he idea of combining them flows logically from their having been individually taught in the prior art." In re Kerkhoven, 626 F2d 846, 205 USPQ 1069, CCPA 1980). Likewise, it would have been obvious to one having ordinary skill in the art to combine two known processes, each of which is taught by the prior art to be useful for the same purpose, to form a new process to be used for the same purpose. For this reason, it would have been obvious in

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the art to incorporated the embodiment illustrated in figure 3 to the embodiments illustrated figures 1-3.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Sam Chuan C. Yao whose telephone number is (571) 272-1224. The examiner can normally be reached on Monday-Friday with second Friday off.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Richard Crispino can be reached on (571) 272-1226. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).


Sam Chuan C. Yao
Primary Examiner
Art Unit 1733

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06-01-04